

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re
CHANA TAUB,
Debtor.

Chapter 11
Case No. 08-44210-ess

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**ORDER SCHEDULING A HEARING ON DEBTOR'S APPLICATION
FOR AN EMERGENCY ORDER TO SHOW CAUSE**

WHEREAS, on July 1, 2008, Chana Taub (the "Debtor"), filed a petition for relief under Chapter 11 of Title 11, United States Code (the "Bankruptcy Code"); and

WHEREAS, on August 14, 2009, this Court entered its Decision and Order Granting Relief from the Automatic Stay (the "Lift Stay Order"); and

WHEREAS, on August 27, 2009, the Debtor filed a Motion to Reconsider the Lift Stay Order (the "Motion to Reconsider"); and

WHEREAS, on September 22, 2009, the Court held a hearing on the Motion to Reconsider, at which the Debtor, by counsel, appeared and was heard; and

WHEREAS, on September 29, 2009, the Debtor filed a Supplemental Brief in Support of the Motion to Reconsider; and

WHEREAS, on October 27, 2009, the Court held a hearing on the Debtor's Motion to Reconsider, at which the Debtor, by counsel, appeared and was heard; and

WHEREAS, on December 11, 2009, this Court issued a Memorandum Decision and Order Denying Motion to Reconsider Order Granting Relief From the Automatic Stay (the "Order Denying Reconsideration"); and

WHEREAS, on December 18, 2009, the Debtor, *pro se*, filed a Notice of Appeal from the Order Denying Reconsideration, to the United States District Court for the Eastern District of

New York; and

WHEREAS, on December 23, 2009, the Debtor, *pro se* and *ex parte*, filed an Application in Support of Emergency Order To Show Cause, seeking “an emergency stay on the 12/11/09 Decision-Order and Seeking to Vacate the Order Dated 8/14/09, Pending the Appeal of 12/18/09” (the “Emergency OSC Application”); and

WHEREAS, Federal Rule of Bankruptcy Procedure 9011(a) provides that “[e]very petition, pleading, written motion, and other paper, except a list, schedule, or statement, or amendments thereto, shall be signed by at least one attorney of record in the attorney's individual name . . . ;” and

WHEREAS, neither Dennis Houdek, Esq., the Debtor’s attorney of record, nor any other attorney signed the Emergency OSC Application.

NOW, THEREFORE, it is hereby

ORDERED, that the Debtor shall serve and file the Emergency OSC Application and any supplemental papers, by counsel, on all parties who have appeared in this matter, to be received by December 29, 2009, at 12:00 noon; and it is further

ORDERED, that opposition, if any, to the Emergency OSC Application shall be served and filed on all parties who have appeared in this matter to be received by January 4, 2010, at 10:00 a.m.; and it is further

ORDERED, that a hearing on the Emergency OSC Application will be held on January 4, 2010, at 2:00 p.m., before the Honorable Elizabeth S. Stong, Courtroom 3585, United States Bankruptcy Court for the Eastern District of New York, 271 Cadman Plaza East, Brooklyn, New York 11201; and it is further

ORDERED, that all requests for emergency and other relief set forth in the Debtor's Emergency OSC Application will be considered at the hearing on January 4, 2010.

Dated: Brooklyn, New York
December 23, 2009

s/Elizabeth S. Stong

ELIZABETH S. STONG
UNITED STATES BANKRUPTCY JUDGE

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